



The Comptroller General
of the United States

Washington, D.C. 20548

Jones

Decision

Matter of: Grant Technical Services

File: B-235231.2

Date: May 26, 1989

DIGEST

Request for reconsideration of prior decision dismissing as untimely a protest initially filed with procuring agency but filed with our Office more than 10 days after initial adverse agency action is denied, since the protester has not presented any factual or legal basis for us to overrule our decision.

DECISION

Grant Technical Services requests that we reconsider our April 18, 1989, dismissal of its protest of an award to Trane Company under solicitation No. IRS-SW-89-022 issued by the Internal Revenue Service (IRS) for two centrifugal air conditioning chillers. We dismissed Grant Technical's protest as untimely because it was filed more than 10 working days after the contracting agency dismissed the firm's agency level protest. We deny the request for reconsideration.

Grant Technical initially protested to IRS by letter dated February 28, contending that since it was low and met the specifications it should have received the award. IRS dismissed the protest by a letter dated March 23. By letter dated April 6, Grant Technical filed a protest with our Office on April 18.

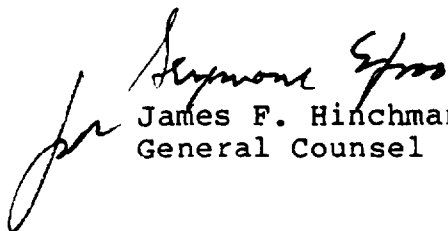
Our Bid Protest Regulations provide that where a protest has been initially filed with the contracting agency, any subsequent protest to our Office must be filed within 10 working days of receiving notice of initial adverse agency action in order to be considered timely. 4 C.F.R. § 21.2(a)(3) (1988). We dismissed Grant Technical's April 18 protest to our Office as untimely, since it was filed more than 10 working days after the protester's receipt of an adverse decision by IRS.

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In its request for reconsideration Grant Technical does not argue that the dismissal was inconsistent with our Regulations but maintains that we should consider the matter because the protester submitted the low offer and the agency's reasons for rejecting its low offer were erroneous.

Our timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Advanced Health Systems--Reconsideration, B-227779.2, Aug. 27, 1987, 87-2 CPD ¶ 205. In order to prevent those rules from becoming meaningless, exceptions are strictly construed and rarely used. Id. The only exceptions to our Regulations' timeliness requirements are where there was good cause for the untimely filing (some compelling reason beyond the protester's control prevented the protester from filing a timely protest) or a significant issue (one of widespread issue to the procurement community that has not been considered before) is involved. See 4 C.F.R. § 21.2(b) (1988). Neither is the case here.

The request for reconsideration is denied.


James F. Hinchman
General Counsel